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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,132	12/31/2003	Ravisangar Muniandy	42P18469	1731

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EXAMINER

TANG, MINH NHUT

ART UNIT	PAPER NUMBER
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2829

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/751,132	<b>Applicant(s)</b> MUNIANDY ET AL.	
	<b>Examiner</b> Minh N. Tang	<b>Art Unit</b> 2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5-7,9-38,40 and 42-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,8,39 and 41 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/13/05; 5/2/06; 9/26/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of group I (claims 1-22 and 33-47) in the reply filed on November 16, 2006 is acknowledged.
2. Claims 23-32 and 48-49 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 16, 2006.
3. Applicant's election with traverse of the species (a) in the reply filed on November 16, 2006 is acknowledged. The traversal is on the ground(s) that "The embodiments described on Applicant's specification from page 5, line 6 through page 6, line 32 were based on Applicant's claims as filed. Applicant has since amended the claims such that these embodiments described in the specification may not accurately represent what is currently claimed. The Office Action did not restrict the species to respective figures as is ordinarily the case. Accordingly, it is difficult to determine what claims read on the species. Thus, Applicant respectfully submits that Claims 1-49 read on Species (a). The Office Action states 'Currently, no claim appears to be generic.' Applicant respectfully disagrees. Applicant respectfully submits that at least independent claims 1, 12, 23, and 33 are generic." This is not found persuasive because the Examiner found that the amended claims are still readable on the identified species, for example, claims 1, 12 and 33 are readable on species a, b and c, respectively. Furthermore, as clearly disclosed on Applicant's specification page 5, line 6 to page 6, line 32, "in one

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embodiment", "in another embodiment", etc. therefore each embodiments represents a species that are clearly distinct from each other. The species are independent or distinct because they are drawn to mutually exclusive embodiments. Where two or more species are claimed, a requirement for restriction to a single species may be proper if the species are mutually exclusive. Claims drawn to different species are mutually exclusive if one claim recites limitations disclosed for a first species but not a second, while a second claim recites limitations disclosed only for the second species and not the first (MPEP 806.04(f)). With respect to generic claims, independent claims 1, 12 and 33 are each only readable on the identified species a, b and c, respectively and not the other thus they are not generic claims. Additionally, with respect to Applicant's argument "Applicant is unaware of any requirement that a listing of the claims for an elected species must exactly correspond with an elected claims group from a restriction requirement", this is incorrect because, as clearly stated in the restriction requirement page 4, Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The requirement is still deemed proper and is therefore made FINAL.

4. Claims 2-3, 5-7, 9-22, 33-38, 40 and 42-47 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on November 16, 2006.

It is noted that those claims above are withdrawn from consideration because the recitations in those claims are not readable on the elected species. For example, the limitations "a first counter", "a second counter", "a third counter", "a first prescaler", "a second prescaler", "a third prescaler", "a microprocessor", "a first reliability oscillator including a selectively powered on ring oscillator to avoid transistor degradation", "a second reliability oscillator including a powered ring oscillator to experience transistor degradation", "a measurement and comparison circuit ... to generate a first measure of transistor degradation".

#### ***Information Disclosure Statement***

5. The information disclosure statement (IDS) submitted on September 13, 2005, May 02, 2006 and September 26, 2006 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

#### ***Drawings***

6. The drawings were received on September 13, 2005. These drawings are not accepted since it is not corresponded to the brief description of the drawings on page 3 of the original specification. It is noted that at the time of the Office action is made, it appears that Applicant is submitting another set of drawings; however, those drawings are not available (i.e., not scanning) at the time of the Office action is made.

#### ***Specification***

7. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 8, 39 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Manna et al. (U.S.P. 6,724,214).

As to claim 1, Manna et al. disclose, in Figs. 1 and 2, an integrated circuit comprising one or more functional blocks (30, 50) to perform one or more functions; and a frequency compensation circuit (10) including a selectively enable reliability oscillator (12) to generate a reference oscillating signal (13), a degraded reliability oscillator (14) to generate a degraded oscillating signal (15), and a compare circuit (20) coupled to the reliability oscillators (12, 14), the compare circuit (20) to compare the oscillating signals (13, 15) and to generate a frequency compensation signal (21) in response to the comparison being greater than a predetermined threshold.

As to claim 8, Manna et al. disclose in Figs. 1 and 2, the degraded reliability oscillator (14) is a static reliability oscillator to generate a DC bias degraded oscillating signal (15), and the compare circuit to compare the reference oscillating signal (13) and the DC bias degraded oscillating signal (15) to generate the frequency compensation

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signal (21) in response to the comparison being greater than the predetermined threshold.

As to claim 39, Manna et al. disclose in Figs. 1 and 2, the degraded reliability oscillator (14) is a clocked reliability oscillator to generate an AC degraded oscillating signal (15), and the compare circuit to compare the reference oscillating signal (13) and the AC degraded oscillating signal (15) to generate the frequency compensation signal (21) in response to the comparison being greater than the predetermined threshold.

As to claim 41, Manna et al. disclose in Figs. 1 and 2, each of the reliability oscillators (12, 14) includes a ring oscillator.

***Allowable Subject Matter***

10. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

Claim 4 recites, inter alia, the degraded reliability oscillator is a clocked reliability oscillator to generate an AC degraded oscillating signal; and the frequency compensation circuit further includes a static reliability oscillator to generate a DC bias degraded oscillating signal.

The art of record does not disclose the above limitations, nor would it be obvious to modify the art of record so as to include the above limitations.

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***Prior Art Of Record***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Gauthier et al.      6,806,698      Quantifying A Difference Between Nodal  
Voltages.

***Communication***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh N. Tang whose telephone number is (571) 272-1971. The examiner can normally be reached on M-F (7:00-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ha T. Nguyen can be reached on (571) 272-1678. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**MINH NHUT TANG**  
**PRIMARY EXAMINER**

02/02/07